

ESTTA Tracking number: **ESTTA392646**

Filing date: **02/10/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Riverside Partners, LLC
Granted to Date of previous extension	02/12/2011
Address	50 Public Square Suite 4000 Cleveland, OH 44113 UNITED STATES

Attorney information	Robert P. Ducatman Jones Day 901 Lakeside Avenue Cleveland, OH 44114 UNITED STATES rducatman@jonesday.com, tastitt@jonesday.com, pcyingier@jonesday.com Phone:216-586-3939
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Applicant Information

Application No	85080205	Publication date	12/14/2010
Opposition Filing Date	02/10/2011	Opposition Period Ends	02/12/2011
Applicant	Justin C. Allen 2101 Valley Road Meadowbrook, PA 19046 UNITED STATES		

Goods/Services Affected by Opposition

Class 045. All goods and services in the class are opposed, namely: Legal services

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	3273183	Application Date	03/28/2005
Registration Date	08/07/2007	Foreign Priority Date	NONE
Word Mark	RIVERSIDE		

Design Mark	<h1>Riverside</h1>
Description of Mark	NONE
Goods/Services	<p>Class 035. First use: First Use: 1988/03/00 First Use In Commerce: 1988/03/00 Business management and consultation, namely guiding and directing organizations regarding production and distribution, employment, taxation, marketing, supply chain management, general operations and customer relations; providing business reports regarding the status of the purchasing and selling of companies</p> <p>Class 036. First use: First Use: 1988/03/00 First Use In Commerce: 1988/03/00 Fund raising for purchasing and selling of companies; purchasing of and selling of companies</p>

Attachments	76634471#TMSN.gif (1 page)(bytes) 560255085139ntcofoppo.pdf (4 pages)(98544 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/Tracy A. Stitt/
Name	Tracy A. Stitt
Date	02/10/2011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of

U.S. Trademark Application 85/080,205
For the mark RIVERSIDE
Published in the Official Gazette on December 14, 2010

Riverside Partners, LLC,

Opposer,

v.

Justin C. Allen

Applicant.

Opposition No. _____

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

1. Opposer, RIVERSIDE PARTNERS, LLC (“Opposer”), a limited liability company existing under the laws of Delaware, located at Suite 4000, 50 Public Square, Cleveland, Ohio, 44113, believes that it will be damaged by registration of the mark RIVERSIDE as shown in Application Serial No. 85/080,205 (the “Application”); and hereby opposes the same pursuant to 15 U.S.C. §§ 1052 and 1063.
2. To the best of Opposer’s knowledge, the name and address of the current owner of the Application is Justin C. Allen (“Applicant”), 2101 Valley Road, Meadowbrook, Pennsylvania 19046-1315.

As grounds for opposition, it is alleged that:

3. Applicant filed an intent to use application on July 8, 2010 to register the mark RIVERSIDE (“Applicant’s Mark”) to identify “Legal services” in International Class 45.

4. Opposer is the owner of United States Registration No. 3,273,183 issued on August 7, 2007 for RIVERSIDE (the “Mark”) to identify “Business management and consultation, namely guiding and directing organizations regarding production and distribution, employment, taxation, marketing, supply chain management, general operations and customer relations; providing business reports regarding the status of the purchasing and selling of companies” in International Class 35; and “Fund raising for purchasing and selling of companies; purchasing of and selling of companies” in International Class 36.

5. Registration No. 3,273,183 is valid and has not been abandoned by Opposer.

6. Opposer, since as early as 1988 has been, and is now, using the Mark throughout the United States in connection with the services described above.

7. Opposer’s use of its Mark as described above has been valid and continuous since said date of first use.

8. Opposer’s continuous and commercially successful use of its Mark is symbolic of extensive good will and consumer recognition built up by Opposer through substantial amounts of time and effort in advertising and promotion of such Mark and has come to serve as a unique identifier of Opposer’s services.

9. In view of the similarity of the respective marks and the related nature of the goods and services of the respective parties, it is alleged that Applicant’s Mark so resembles Opposer’s Mark, as to be likely to cause confusion, or to cause mistake, or to deceive by

suggesting that Applicant's goods and services are associated with or approved, endorsed, authorized or sponsored by Opposer.

10. The Commissioner is hereby authorized to charge Jones Day's Deposit Account No. 50-1432, in the amount of \$300 to account number 560255-085139. In case any other fees are required, please also charge this Deposit Account.

11. WHEREFORE, Opposer prays that Application No. 85/080,205 for the mark RIVERSIDE be denied registration and that this Opposition be sustained in favor of Opposer.

Dated this 10th of February, 2011.

Respectfully submitted,

By: /Tracy A. Stitt/
Robert P. Ducatman
Tracy A. Stitt
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Attorneys for Opposer
Riverside Partners, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing NOTICE OF OPPOSITION was served via overnight courier on this 10th day of February, 2011, on Applicant at the following correspondence address of record:

Justin C. Allen
2101 Valley Road
Meadowbrook, Pennsylvania 19046-1315

/Tracy A. Stitt/

Attorney for Opposer